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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,150	03/14/2001	Salil Vjaykumar Pradhan	10005619-1	5410

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HEWLETT-PACKARD COMPANY
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EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
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3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/809,150

Applicant(s)

PRADHAN ET AL.

Examiner

Alexander Kalinowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/16/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 21-23 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-9, 21-23, and 28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

1. Claims 1-9, 21-23 and 28-30 are pending.
2. In view of the Appeal Brief filed on 11/16/2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 21-23 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto, Pub. No. 2002/0013774 in view of Stolfo et al., Pub. No. 2001/0044785 (hereinafter Stolfo) .

As to claim 1, Morimoto discloses A method for providing mediated services to a client device having a predetermined communication protocol and a predetermined display format comprising:

(a) receiving a request for a web page from the client device (paragraphs 39 and 41);

(b) sending the request to a merchant web site (i.e. URL link of the seller)(paragraph 39);

(c) receiving the requested information from the merchant web site at a mediator (paragraph 43-45);

(d) transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device at the mediator (i.e. XML format)(paragraph 43); and

(e) sending the information via a network to the client device from the mediator (paragraph 43); and

(f) providing mediated shipping services, wherein the step of providing mediated shipping services includes

the client sending delivery information to the mediator (paragraph 44);

Morimoto does not explicitly disclose

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the mediator directly providing the delivery information to a shipping company and arranging for the shipping company to pick-up the merchandise from the merchant; wherein the client delivery information is not provided to the merchant.

However, Stolfo discloses the mediator directly providing the delivery information to a shipping company (paragraph 32). Stolfo further discloses arranging for the shipping company to pick-up the merchandise from the merchant; wherein the client delivery information is not provided to the merchant (i.e. customer's proxy information (paragraphs 32 and 33). It would have been obvious to one of ordinary skill at the time of Applicant's invention to include the aforementioned limitation within Morimoto as disclosed by Stolfo for the motivation of securely ordering and receiving products from merchants without revealing their identities to the merchants (paragraph 2).

As to claim 2, Morimoto discloses The method of claim 1 further comprising:

(f) providing at least one mediated electronic commerce service for a merchant (i.e. shopping cart)(paragraph 44).

As to claim 3, Morimoto discloses The method of claim 2 wherein the step of providing at least one electronic commerce service for the merchant includes one of shopping cart services, billing services, shipping services, and payment services (paragraph 43).

As to claim 4, Morimoto discloses The method of claim 1 wherein the step of transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device includes:

transforming the information into one of an HTTP communication protocol and WAP communication protocol (i.e. computer device 150 may be personal computer, internet

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enabled cellphone)(paragraph 34).

As to claim 5, Morimoto discloses The method of claim 1 wherein the step of transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device includes: transforming the information into one of a HTML display format and VML display format (paragraph 34).

As to claim 6, Morimoto discloses The method of claim 1 wherein the step of receiving the requested information from the merchant web site includes: receiving information in one of a proprietary format, a mark-up language format, an XML format, and other format designed for exchanging information (paragraph 43).

As to claim 7, Morimoto discloses The method of claim 1 further comprising: (f) providing mediated shopping services; wherein the step of providing mediated shopping services includes the client device sending a request to add or delete items from a shopping cart (paragraph 44); and receiving the add or delete requests, and responsive thereto for updating a shopping cart record (paragraph 44).

As to claim 8, Morimoto discloses The method of claim 1 further comprising: (f) providing mediated payment services; wherein the step of providing mediated payment services includesthe client sending a purchase request to purchase one or more items in a shopping cart (paragraph 44); receiving the purchase request (paragraph 44); and

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responsive to the purchase request for updating a shopping cart record to reflect the purchase (paragraph 44).

As to claim 21, Morimoto discloses The method of claim 1, wherein the step of receiving a request for a web page comprises receiving a request for a web page from the client device, wherein the request includes a request for product information from the merchant web site (paragraphs 41 and 42).

As to claim 22, Morimoto does not explicitly disclose The method of claim 1, wherein a virtual identifier of the merchant web site is determined by passively interrogating a source, the source being operable to transmit or broadcast the virtual identifier to a client device in a predetermined range.

However, the Examiner takes official notice that broadcasting virtual identifiers was old and well known in the electronic advertising arts. The motivation for broadcasting virtual identifiers was to seek potential customers for goods or services. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation within Morimoto for the motivation stated above.

As to claim 23, Morimoto discloses The method of claim 1, wherein a virtual identifier of the merchant web site is determined by scanning readable code (i.e. URL)(paragraph 39).

As to claim 28, Morimoto discloses The method of claim 1, wherein transforming the information into the predetermined communication protocol and predetermined display format that is suitable for the client device at the mediator further comprises

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transforming the information into a plurality of different predetermined communication protocols and a plurality of different predetermined display formats for a plurality of clients based on a display format and a communication protocol used by each of a plurality of client devices (paragraph 43).

As to claim 29, Morimoto discloses The method of claim 28, wherein sending the transformed information via a network to the client device from the mediator further comprises sending the transformed information to the plurality of clients using the plurality of different predetermined communication protocols and the plurality of different predetermined display formats (paragraph 43).

As to claim 30, Morimoto discloses The method of claim 1, wherein receiving the requested information from the merchant web site at a mediator further comprises receiving the requested information in a generic display format from the merchant web site (paragraph 43).

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto and as applied to claim 8 above, and further in view of Gregory, Pat. No. 6,490,567.

As to claim 9, Morimoto discloses The method of claim 8 wherein the step of providing mediated payment services further includes

a client providing payment information to a mediator (paragraph 44).

Morimoto does not explicitly disclose

the mediator debiting a client's account ; and

the mediator handling payment to a merchant; wherein the account information of the client is not provided to the merchant.

However, Gregory discloses the mediator debiting a client's account ; and the mediator handling payment to a merchant; wherein the account information of the client is not provided to the merchant (col. 4, lines 40-47). It would have been obvious to one of ordinary skill at the time of Applicant's invention to include the aforementioned limitation within the Morimoto and Stolfo combination as disclosed by Gregory for the motivation of providing a more efficient way of conducting electronic commerce by allocating most of the tasks of providing electronic commerce transaction functionality to a service provider thereby relieving the merchant from tasks outside their area of expertise (col. 2, lines 17-28).

Response to Arguments

6. Applicant's arguments with respect to claims 1-9, 21-23 and 28-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (571) 272-6771. The examiner can normally be reached on Monday to Friday from 10:00 AM to 6:30 PM. If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Alexander Kalinowski, can be reached on (571) 272-6771. The fax telephone number for this group is (571) 273-8300 (for official communications including After Final communications labeled "Box AF").



Alexander Kalinowski

Supervisory Patent Examiner

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1/22/2007